

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

GABRIEL ROSS	§	PETITIONER
	§	
v.	§	CIVIL NO. 1:13cv70-HSO-RHW
	§	
SUPERINTENDENT RON KING	§	RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATIONS,
GRANTING RESPONDENT'S MOTION TO DISMISS, AND
DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

BEFORE THE COURT is the Report and Recommendations of United States Magistrate Judge Robert H. Walker [12] entered on October 2, 2013. Also before the Court is the Respondent Ron King's ("Respondent") Motion to Dismiss [11] the Petition for habeas corpus pursuant to 28 U.S.C. § 2244(d). Respondent contends that Petitioner Gabriel Ross's ("Ross") Petition was not timely filed and should be dismissed. The Court has thoroughly reviewed the findings in the Report and Recommendations, the record, and the positions advanced in the Motion, and concludes that Ross's Petition was untimely filed, and Respondent's Motion should be granted.

To date, no objection to the Report and Recommendations has been filed by Ross.¹ Where no party has objected to a magistrate judge's report and recommendation, a Court need not conduct a *de novo* review of it. See 28 U.S.C. § 636(b)(1) ("[A] judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which

¹ The record reflects that on October 7, 2013, Ross signed for receipt of the Report and Recommendations [13].

objection is made.”). In such cases, the court need only review the proposed findings of fact and recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Report and Recommendations thoroughly considered all issues and is neither clearly erroneous nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Respondent’s Motion to Dismiss should be granted and that the Petitioner’s Petition be dismissed as time barred. The Report and Recommendations should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendations [12] of Magistrate Judge Robert H. Walker entered on October 2, 2013, is adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Respondent’s Motion to Dismiss [11] filed July 25, 2013, is **GRANTED**, and Petitioner’s Petition for writ of habeas corpus is **DISMISSED**. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 15th day of November, 2013.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE